

## MINUTES

### GARDEN GROVE SANITARY DISTRICT

A regular meeting of the Garden Grove Sanitary District Board of Directors was called to order in the Council Chamber, 11300 Stanford Avenue, on Tuesday January 25, 2005, at 7:02 p.m.

ROLL CALL: PRESENT: (5) VICE PRESIDENT DALTON, MEMBERS KREBS, LEYES, NGUYEN, ROSEN,

ABSENT: (0) NONE

ALSO PRESENT: General Manager, Matthew Fertal; Deputy General Manager, Les Jones; Finance Director, Kingsley Okereke; Public Works Director, Keith Jones; District Engineer, Zeki Kayiran; Legal Counsel, John Shaw; and Deputy Secretary, Priscilla Stierstorfer.

#### ORAL COMMUNICATIONS – PUBLIC

There were no public oral communications relevant to the District.

#### RECESS

At 7:02 p.m., the President declared a recess.

#### RECONVENE

At 8:11 p.m., the meeting was reconvened with Vice President Dalton and all Members in attendance.

#### SELECTION OF PRESIDENT AND VICE PRESIDENT (F: S-46.1) (VIP)

It was moved by Member Krebs, seconded by Member Nguyen, and carried by unanimous vote, that Vice President Dalton be selected as President.

It was moved by Member Nguyen, seconded by Member Rosen, and carried by unanimous vote, that Member Rosen be selected as Vice President.

STATUS REPORT ON THE SANITARY DISTRICT OPERATIONS WITHIN THE CITY (F: S-128.3)

Staff report dated January 25, 2005, was introduced, reviewing the status of the Garden Grove Sanitary District activities for the past month.

It was moved by Member Krebs, seconded by Member Rosen, and carried by unanimous vote, that the Status Report on the Sanitary District activities within the city from mid-November 2004 through mid-January 2005, be and hereby is received and ordered filed.

AGREEMENT WITH AKM CONSULTING ENGINEERS FOR CONTINUED PROFESSIONAL ENGINEERING SERVICES (F: S-55.12)

Staff report dated January 25, 2005, was introduced.

It was moved by Member Krebs, seconded by Member Rosen, and carried by unanimous vote, that the Agreement by and between the Garden Grove Sanitary District and AKM Consulting Engineers for continued professional engineering services as District Engineer, be and hereby is approved; and the General Manager and Secretary are authorized to execute the agreement.

MINUTES (F: Vault)

It was moved by Member Krebs, seconded by Member Rosen, and carried by unanimous vote, that the minutes of the Adjourned Regular Meeting of the Sanitary District held December 14, 2004, be and hereby are approved.

CONSIDERATION OF APPEAL OF KATSUKI, INC., REGARDING THE DISTRICT'S DENIAL OF A SEWER PERMIT CONNECTION AT 8301 GARDEN GROVE BOULEVARD. (F: S-88.1) (XR: S-92.1)

Staff report dated January 25, 2005, was introduced.

Staff noted that Katsuki, Inc. filed a development application to convert an existing building to a Sushi Restaurant located at 8301 Garden Grove Boulevard. Staff indicated that the Public Works Director denied the request because the proposed use will increase wastewater discharge into the downstream sewers in Garden Grove Boulevard, Coast Street, and Trask Avenue. Staff further noted that the District is in the process of designing larger replacement sewers in that area, and the new sewers will have the capacity in January 2006 to accommodate the proposed development.

The District Engineer provided a power point presentation to show the pipe capacity being discussed.

Member Rosen questioned what the diameter of the pipe is. The District Engineer commented that the current pipe is 10 inches and the standard is 18 inches. The pipes were installed in the 1950's.

In response to Member Krebs, the Public Works Director commented that because the District is aware of the deficiencies, the pipes are cleaned regularly to be sure there are no buildups.

In response to Member Rosen, the District Engineer commented that the pipes are clay.

President Dalton commented that there has been a condominium project approved for this area, and he questioned what size pipe will be used. The District Engineer responded that the pipes will be 12 inches to 18 inches in Garden Grove Boulevard.

In response to Member Nguyen, the District Engineer commented that in 50 years there will be the same problem if there is a lot of development. However, if development follows the current General Plan, the new pipes will provide the needed capacity.

Member Leyes questioned whether the pipes will be completely replaced. The District Engineer commented that all the pipes will be replaced. The project is under design, and the design will be completed by March and construction will be completed by January 2006.

Member Leyes questioned what the cleaning process entailed. The Public Works Director commented that they use a vactor truck with jetting water and then vacuum it out. He noted that once the replacement project is complete, these pipes will only need regular cleaning.

Member Rosen questioned whether the District could be fined if there is an overflow. The District Engineer commented that the District could be penalized and fined as much as \$25,000 per day.

Mr. Chin Chung, Mr. Young Pak, and their translator, Mr. Raymond Chon, addressed the District. They commented that this location was found in September 2004, a lease was signed, and a construction company was hired. They commented that a lot of money was spent to start the business. They have businesses in

Newport Beach, Costa Mesa, and would like to have one in Garden Grove. They expect many customers because the food is very fresh and very good.

President Dalton commented that the City is very grateful that they would like to start a business in Garden Grove; however, he questioned what the basis was for the appeal.

Mr. Chung, through his interpreter, commented that he modified his original plan to add a vacuum container, a machine that washes the rice, and a dishwasher. All the dishes are disposal and will be thrown away so that nothing goes down the drain.

Member Nguyen questioned whether the City approved the plans to remodel the facility. The General Manager commented that during the plan check process, it was identified that they were proposing a food use. At that time, they were notified that this use would not be allowed.

Mr. Michael Oh addressed the Board and commented that he is the applicant's accountant and he signed for the conditional use permit. He noted that he was informed in November that there was a sewer problem. He questioned why the City accepted the money at the beginning since the City was told that it would be a food use. He commented that they have already spent over \$4000. He noted that they offered the City several suggestions to save water and sewer use. He felt that the City should have provided more information up front.

The General Manager commented that the City collects the fees when applications are submitted. It was during the routine routing process time that staff discovered that there was a sewer problem.

Member Rosen questioned what was done with the conditional use application. The General Manager commented that since there is no resolution, the application would be terminated. He noted that it would be appropriate to reimburse the applicant for his expenses. The applicant could resubmit his conditional use permit application once the sewer problem is fixed.

Mr. Young Pak, through his interpreter, commented that he will do whatever the City requires so that he can open his restaurant.

Member Nguyen questioned whether this application would need approval of the Planning Commission. The General Manager commented that the requirement for a conditional use permit is

because there is a request for an Alcoholic Beverage Control license. The plans also include tenant improvements.

Member Leyes commented that when the City took over the District, the pipes were found to be in poor shape because the previous District would not invest to update the system. The City inherited a deteriorating system. He was not aware of any way to mitigate these problems without changing the pipes. The Regional Water Board has very strict regulations. The City cannot approve this application under these circumstances, noting that if the sewer would overflow, the District would be subject to fines.

Member Rosen commented that the City has been subjected to unfounded mandates. He was in favor of trying to upgrade these sewers before 2006. He commented that he could not see any way to approve this application.

Member Nguyen commented that since the District is responsible for any fines, that means the citizens of Garden Grove would pay. The people of Garden Grove would not be liable for potential fines. She commented that the applicant should be refunded all his money.

#### RESOLUTION NO. 3676

It was moved by Member Krebs, seconded by Member Nguyen, and carried by unanimous vote, that full reading of Resolution No. 3676 be waived, and said Resolution entitled A RESOLUTION DENYING REQUEST BY KATSUKI, INC. TO CONNECT TO GARDEN GROVE SANITARY DISTRICT SEWER LINES, be and hereby is adopted, without prejudice.

Member Leyes requested that staff prepare a letter regarding the denial so the applicant can receive a refund for his application for an Alcoholic Beverage Control license.

#### REPORT FROM ORANGE COUNTY SANITATION DISTRICT REPRESENTATIVE (F: S-128.4)

President Dalton noted that he has nothing to report at this time.

CONSIDERATION OF BOARD'S REPRESENTATIVES ON THE ORANGE COUNTY  
SANITATION DISTRICT BOARD AND ON THE SANITARY DISTRICT LIAISON  
COMMITTEE (F: S-74.2) (XR: S-122.2) (XR: VIP)

Communication from the Orange County Sanitation District was introduced requesting that the District appoint a representative to the Orange County Sanitation Board.

It was moved by Member Nguyen, seconded by Member Krebs, and carried by unanimous vote, that President Dalton be selected as the representative to the Orange County Sanitation District Board and the Sanitary District Liaison Committee.

It was moved by President Dalton, seconded by Member Krebs, and carried by unanimous vote, that Vice President Rosen be selected as the alternate to the Orange County Sanitation District Board and the Sanitary District Liaison Committee.

ADJOURNMENT

At 9:20 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER  
DEPUTY SECRETARY